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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,751	01/02/2004	Jen-Lin Chao	252011-1860	1841

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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

3624

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/750,751

Applicant(s)

CHAO ET AL.

Examiner

Thu Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

### ***Drawings***

The Examiner accepts the drawings filed on January 2, 2004.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. (US 2003/0125996) in view of Kennedy et al. (US 6,188,989).

Re claim **1**, Bush teaches a system for capacity management (abstract; Bush discloses managing capacity of professional and technical services), comprising:

a first capacity reserved for a first device design in a first capacity management cycle (para. 0017-0018, 0031, 0044, and 0008; Bush designs a capacity management method that recognizes the coupling of his system demands in a seasonal cycles);

a second capacity reserved for a second device design having a pull-in demand in a second capacity management cycle after the first capacity management cycle (para. 0030-0037; Bush discloses research mode simulates a capacity management environment and information system while simulating user decision-making behavior. The researcher may

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investigate the effects of various decision rules by defining rules used for decisions and by running the simulation in batch processing mode); and

...the first capacity and the second capacity, wherein the ...unit directs the first capacity to meet the second device design and the second capacity to meet the first device design (para. 0083-0084).

However, Leon does not explicitly teach a processing unit. On the other hand, Kennedy discloses a processing unit when he discloses a processor operable to execute the software system (abstract). Kennedy discloses a processor coupled to the memory and operable to adjust the allocation values for sellers throughout the hierarchy according to one or more business criteria and compute, for each product and each seller in the hierarchy, the amount of the product that is ATP at the seller according to the supply value for the seller, the allocation value for the seller, the amount of the product that is ATP at one or more parent sellers of the seller. Thus, it would have been obvious to one of ordinary skill in the art to implement a processing unit in software capacity management system as discloses in Kennedy.

Re claims **2, 8, 14, 20, 31, 42, and 57**, Bush teaches a production line to manufacture the second device design using the first capacity after the first capacity management cycle (para. 0007 and 0086).

Re claims **3, 9, 15, 21, 34, and 44-45**, Bush teaches production line further manufactures the first device design using the second capacity after the second capacity management cycle (para. 0030-0037).

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Re claims **4, 10, 16, 22, 32, 43, and 56**, Bush teaches processing unit further checks whether the first capacity reserved for the first device design is sufficient for the second capacity reserved for the second device design (para. 0075-0082). Bush discloses the user may select transfers (check box 650) to enable transfers between his or her skill group and another skill group. Negotiation of transfers may be performed directly between users, moderated by a third party, or through simulation.

Re claims **5, 11, 17, 23, 33, and 54**, Bush teaches a reservation unit for reserving capacity in the first and second capacity management cycles (para. 0039, 0084, and 0086). Bush discloses a research plan store may be stored on a non-volatile storage area (i.e. reservation unit).

Re claims **6, 12, 18, 24, 35, and 46**, Bush teaches first capacity is reserved by a first client and the second capacity is reserved by a second client (para. 0083-0084).

Re claim **7**, Bush discloses a method as claimed in claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein. In a further note, Bush discloses a pull-in demand (para. 0017-0018 and 0031-0032).

Re claim **13**, Bush teaches a method as claimed in claim 7. Therefore the rationale applied in the rejection of claim 7 applies herein. In a further note, Bush discloses a machine-readable storage medium storing a computer program (para. 0007 and 0085) when he discloses many supply and demand simulation programs are used in manufacturing and distribution environments.

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Re claims **19** and **41**, Bush discloses a method as claimed in claims 1 and 7.

Therefore the rationale applied in the rejection of claims 1 and 7 applies herein. In a further note, Bush discloses an accounting unit to generate a bill for the pull-in demand (para. 0032).

Re claims **25**, **36**, and **47**, Bush teaches accounting unit further transmits the bill to the second client (para. 0068).

Re claims **26**, **37**, and **48**, Bush teaches accounting unit further calculates a discount for the products of the first client (para. 0037). Bush calculating a resource supply.

Re claims **27**, **38**, and **49**, Bush teaches processing unit further transmits a notification to the first client, in which the notification comprises cycle time of the second capacity management cycle and completion date for the products of the first client (fig. 3).

Re claims **28**, **39**, and **50**, Bush teaches processing unit further defines a capacity push-out ratio for the first client, and the first capacity follows accordingly (para. 0039, 0084, and 0086).

Re claims **29**, **40**, **51**, and **53**, Bush teaches second capacity is originally reserved for the pull-in demand (para. 0032 and 0075-0082).

Re claims **30**, **52**, and **55**, Bush teaches a method as claimed in claims 1, 7, 19, and 41. Therefore the rationale applied in the rejection of claims 1, 7, 19, and 41 applies herein.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wang et al., US 2005/0038684

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Miller, US 6,101,481

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Thu Thao Havan  
Art Unit: 3624  
9/21/2006